

CAMPAIGN FINANCE DIVISION

☒ WAIVER REQUEST
☐ RECONSIDERATION REQUEST

DATE: 12/21/2021

DOCKET#: 2021-1063

FILER INFORMATION

Name: Communications Workers of America
Office:
Parish:
Election Date: 11/3/2020
Level of Office: PAC

REPORT INFORMATION

Name of Report: 10-G
Original Due Date: 11/25/2020
Date Filed: 5/3/2021
Activity Receipts: \$3,018.50
Expenditures: \$250.00
Funds at Close of Reporting Period: \$4,207.00

LATE FEE INFORMATION

Amount of Late Fee: \$3,000
Days Late: 159
Late Fee Order Received: 7/19/2021
Payment/Waiver Request Due Date: 8/9/2021
Waiver Request Received: 8/4/2021
Additional Information Requested:

- Medical
- Financial
- Other

COMMENTS: On February 24, 2021, the Board sent letters to CWA-COPE regarding late fee assessments due to the mislabeled 10-G report and what they assumed was a late-filed 10-P report. In response, CWA-COPE submitted a late fee waiver request explaining that it was not required to register or file a 10-P report, but did errantly register and timely filed 1 0-G report mislabeled as a 10-P report. As a result, in an April 27, 2021, phone conversation with CWA COPE staff, Sarah Martin of the Board of Ethics staff notified CWA-COPE that it should amend its 10-P report and resubmit the information included in the November 25, 2020, report but as a 10-G report and not as a 10-P report. As requested, CWA-COPE filed those reports on May 3, 2021. Complying with the instructions of the Board staff evidently prompted your July 8, 2021, late fee assessment letter.

OTHER LATE FEE INFORMATION

Campaign Finance:

Other Outstanding Reports: No
Other Outstanding Late Fees: No
Prior Late Fees: Yes
Reassessed Late Fees: No

Disclosure Statements:

Other Outstanding Late Fees: No
Prior Late Fees: No



VIA FAX: 225-381-7271

July 27, 2021

Melissa Horn
Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, LA 70821

Re: Waiver Request for Late Fee Assessments Issued to Communications Workers of America COPE Political Contributions Committee Regarding the 10-G Campaign Finance Disclosure Report for the November 3, 2020, election.

Dear Ms. Horn:

I'm writing on behalf of Communications Workers of America COPE Political Contributions Committee (ID# 301608) ("CWA-COPE PCC") regarding the Louisiana Board of Ethics' ("Board") late fee assessment letter dated July 8, 2021 (received on July 14, 2021), with respect to the 2020 10-G campaign finance disclosure report for the November 3, 2020 election. For the reasons set out below, we request a waiver of the \$3,000 fine assessed for the report.

1. CWA-COPE PCC Did Not Qualify As a Louisiana Political Committee in 2020, and Should Not Have Registered or Filed Reports with the Board in 2020.

CWA-COPE PCC is a federal PAC of a national labor union that is active across the country. It made an aggregate of \$13,000 in Louisiana political contributions in 2020. In November 2020, CWA-COPE PCC staff mistakenly registered CWA-COPE PCC as a political committee in Louisiana even though it did not qualify as a Louisiana political committee.

Although CWA-COPE PCC staff erroneously filed a Statement of Organization on November 25, 2020, CWA-COPE PCC should not have registered at all because it was not a "political committee" as defined in state law. Specifically, an entity "shall not constitute a 'political committee' for purposes of requirements of R.S. 18:1491.1 through 1491.8 which would require such an entity to keep records and submit reports" if, during a calendar year, it supports candidates in states other than Louisiana; receives less than half of its money from PACs and candidates; spends less than half of its money in Louisiana; and spends no more than \$20,000 in support or opposition to Louisiana candidates. L.R.S. § 18:1483(14)(b). As is evident from its disclosure reports filed with the Federal Election Commission (FEC), which are available on the FEC's public website, CWA-COPE PCC met these criteria in 2020 and did not qualify as a Louisiana political committee. It was not required to register or file reports with the Louisiana Board of Ethics in 2020, including the 10-G report for the November 3, 2020, election.

2. CWA-COPE PCC Timely Filed the 10-G Campaign Finance Disclosure Report for the November 3, 2020, Election, but Mistakenly Labeled It a "10-P" Report.

On November 25, 2020, the same date it errantly registered with the Board, CWA-COPE PCC filed the 10-G report at issue here but made a clerical error and checked the blank for a "10-P" report rather than the blank for a "10-G" report. As you can see from the filing (attached, for your convenience), all of the activity in the mislabeled "10-P" report occurred between October 15 and November 15, the covered period for the 10-G report. Thus, CWA-COPE PCC timely filed the 10-G report on November 25, 2020, and disclosed all required information even if it mistakenly checked the wrong blank for the name of the report.

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3. At the Request of Board Staff, CWA-COPE PCC Refiled Its 10-G Report on May 3, 2021, to Correct Its Initial Clerical Error.

On February 24, 2021, the Board sent letters to CWA-COPE PCC regarding late fee assessments due to the mislabeled 10-G report and what they assumed was a late-filed 10-P report. In response, CWA-COPE PCC submitted a late fee waiver request explaining that it was not required to register or file a 10-P report, but did errantly register and timely filed a 10-G report mislabeled as a 10-P report. As a result, in an April 27, 2021, telephone conversation with CWA-COPE PCC staff, Sarah Martin of the Board of Ethics staff notified CWA-COPE PCC that it should simply amend its 10-P report and resubmit the information included in the November 25, 2020, report but as a 10-G report and not as a 10-P report. As requested, CWA-COPE PCC filed those reports on May 3, 2021. Complying with the instructions of the Board staff evidently prompted your July 8, 2021, late fee assessment letter.

4. Because CWA-COPE PCC Timely Reported All Activity Covered by the 10-G Report to the Board on November 25, 2020 and the May 3, 2021 10-G Report Resubmitted that Information at the Request of Board of Ethics Staff, the Board Should Waive the Late Fee.

Even though CWA-COPE PCC should never have had to file the 10-G report because it was not a political committee, CWA-COPE PCC timely disclosed all activity covered by the 10-G report to the Board of Ethics on November 25, 2020. And, CWA-COPE PCC's May 3, 2021 10-G report was filed at the request of Board of Ethics staff and was simply a resubmission of the information timely reported to the Board on the November 25, 2020, but correctly labeled as a 10-G report. For these reasons, CWA-COPE PCC respectfully requests that the Board of Ethics waive the \$3,000 late fee for the 10-G report.

Thank you for considering our request. If you need any additional information, please feel free to contact Krystal Dehaba at kdehaba@cwa-union 703-470-8323.

Sincerely,



Sara Steffens
Treasurer

2021-9-8